
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,
Plaintiff,

v.

GABRIEL GIGENA,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANT’S
MOTION TO CONTINUE SENTENCING

Case No. 2:24-CR-228-TS

District Judge Ted Stewart

This matter is before the Court on Defendant Gabriel Gigena’s Motion for Continuance of his sentencing scheduled for August 27, 2025.¹ The Court will deny the Motion. Defendant asserts he needs a copy of the trial transcript before sentencing can occur. He has previously represented via email that he requires the transcript to “address objections” to the Presentence Investigation Report (the “PSR”).²

Defendant has not explained why access to the transcript is necessary for him to make his objections or how the trial transcript will assist him. Notably, Defendant has already filed numerous objections to the PSR, including objections to the paragraphs that detail the criminal conduct for which he is being charged.³

Defendant asserts that the Court has previously granted continuances “for the reason of the court reporter failing to prepare the court transcripts so that the Defendant can have a fair

¹ Docket No. 121.

² Docket No. 121-3, at 3.

³ See Docket No. 99.

hearing and accurate information to present to the Court.”⁴ The Court clarifies that it has made no such findings. Defendant’s informal requests to continue his sentencing date via email were accommodated based upon his assertion that he was not prepared to move forward as scheduled. The Court allowed the continuances as a courtesy but has not made findings as to any justification for allowing such continuances. Further, the most recent communication from the Court regarding the sentencing date warned that the previously granted continuance would be the last.⁵

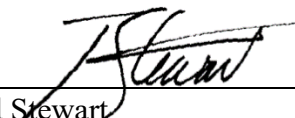
Defendant also asks the Court to order the court reporter to prepare the trial transcript. Upon consultation with the court reporter, the Court has learned that Defendant has not requested the transcript or paid the necessary fees for obtaining it. While, as Defendant asserts, his previous counsel had requested the transcript, the transcript request was withdrawn after Defendant fired his counsel. As Defendant is now representing himself, he must file his own transcript request.

Based on the above analysis, the Court finds Defendant has not demonstrated good cause to further delay the sentencing. It is therefore

ORDERED that Defendant’s Motion for Continuance (Docket No. 121) is DENIED.

DATED this 22nd day of August, 2025.

BY THE COURT:



Ted Stewart
United States District Judge

⁴ Docket No. 121, at 1.

⁵ Docket No. 121-3, at 3 (“The Judge will grant one final continuance, and set sentencing for 8/27 at 10:00 a.m.”).